

Sections 95, 95A-E, 104, 104B, 108, 108AA Resource Management Act 1991



Decision and Planning Report

Planning Report pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Publicly notified, limited notified or non-notified
- Granted or declined, and, if granted, the conditions of consent

Decision pursuant to section 113 of the Resource Management Act 1991

APPLICATION NUMBER(S)	RC246059
APPLICANT	Ra Tuatahi No. 1 Limited
BRIEF DESCRIPTION OF THE APPLICATION	This is a land use consent for the construction and operation of a 10ha solar array (solar farm).
ADDRESS	80 Struie Road, Hororata
LEGAL DESCRIPTION	Lot 6 DP 66179
TITLE REFERENCE	CB38D/1003
AREA	10.214 ha
ZONING / OVERLAYS	Operative Selwyn District Plan (2016), Rural Volume Outer Plains Zone Partially Operative Selwyn District Plan (Appeals Version) General Rural Zone Plains Flood Management Overlay Liquefaction Damage Unlikely Overlay Rural Density (SCA-RD3)
OVERALL ACTIVITY STATUS	Discretionary

The Application

1. This application was formally received by the Selwyn District Council on 20 December 2024. Further information was received on 4 February 2025, and this information now forms part of the application.
2. The application proposes the construction and operation of a solar farm over the entire site.
3. The main aspects of the activity are as follows:
 - 12,012 solar panels covering an approximate area of 37,237m² (3.7 ha).
 - These would have a maximum height of 2.6m when at maximum tilt (60°) and would be 0.5m off the ground, with a mid-point roughly 1.2m-1.6m above ground.

- The panels are supported by a single axis tracker, enabling the panels to track the sun
 - The frames are supported by piles, with rows at roughly 5m centres, with each pile between 6m and 11m apart as required.
 - Two MV stations are proposed within the site, which measure 6m (width) x 2.8m (height) x 2.5 m(depth) - being roughly the same dimensions as a standard 20-foot shipping container
 - All connections to the Orion electricity grid will be underground.
 - The proposed fencing will be a chain link fence with barbed wire on top. The fencing will have a maximum height of 2.1m, and the fence posts will not exceed 2.5m in height. Security gates, the same style and height as the proposed fencing, are proposed at the site end of the accessway
 - No changes to the existing vehicle crossing from Struie Road, or to the existing vehicle accessway are proposed.
 - A maximum of three 20ft shipping containers are also proposed to be retained on site for storage, these would be located between the solar arrays and the landscape strips.
 - Two weather stations are in the eastern and western corners, which are 3.6m tall.
 - 3m wide landscaping strips are proposed along the northwest, southwest and southeast boundaries, with planting proposed to be 3-3.5m in height.
 - Once operational, staff will not be present, with only maintenance checks, roughly once a week. With other cleaning and maintenance occurring as required.
 - The site will be either grazed or mowed to manage vegetation.
4. During construction, the following activity and buildings are proposed:
- Construction is anticipated to occur in a single stage, spanning 18-20 months
 - At most 15 workers would be on site at once
 - A site office (portacabin) is proposed to be located on site during this phase, and removed once construction is completed
 - Construction on the site will be between 7:30am to 6:00pm Monday to Saturday.
 - Earthworks of roughly 4,5000m³ are proposed to prepare the site, install the cable trenches, form internal tracks and for the driving of piles.
 - Total number of equivalent car movements per day will be approximately 60 (averaged over a week).
5. The proposal also includes a decommissioning plan, noting that it is anticipated to have a 30-year life span, and that this can be either extended by replacement panels, or removal of the infrastructure from the site.

Background

6. The property is 10.0635ha in area and was created by subdivision consent R300731 which subdivided a 125ha block into 12 forestry blocks. R300731 was approved on 17 December 1993, with the S224 completion certificate issued on 19 April 1994 and the Record of Title issued on 16 June 1994.

The Existing Environment

7. The application site and surrounds are described in detail in section 5.0 of the AEE. I agree and adopt this and note that the site is a rear site and was recently used as a pine plantation which was harvested in 2023 and currently contains the slash and stumps from this. This forestry activity was undertaken under a resource consent which was granted for each of the 12 blocks (noted above) to undertake forestry activities (R300768-R300789). The consent that relates to this block was given effect to, and as such is still extant such that it could be reforested under the conditions of that consent, and this therefore forms part of the receiving environment.
8. The topography is generally flat, although with some undulations from the forestry machinery/activity. The wider environment is rural in nature, although it does contain several dwellings within 500m of the subject site. to the northeast is a further pine plantation, which separates this site from the Waikirikiri/Selwyn River.
9. I visited the site on 17 January 2025.

Activity Status

Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

10. The application site is zoned General Rural Zone. The site is also subject to the Plains Flood Management, Liquefaction Damage Unlikely and Rural Density (SCA-RD3) Overlays.
11. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B. Provisions subject to appeal are highlighted in the tables below.

Land use

EI Energy and Infrastructure

EI-R31 OTHER RENEWABLE ELECTRICITY GENERATION AND RENEWABLE ELECTRICITY GENERATION ACTIVITIES		
1. The establishment of a new, or expansion of existing renewable electricity generation, or a renewable electricity generation activity not provided for elsewhere.	Discretionary	The proposal is for a new renewable electricity generation development.

12. The rule framework relevant to this proposal is located within the Energy & Infrastructure Chapter.
13. The applicant would be a "participant" (i.e. a generator) with regard to the Electricity Industry Act (2010), but not an "operator". Consequently, the activity does not meet the definition of "important infrastructure" under the PODP
14. As required by the National Planning Standards, unless relating specifically to a Special Purpose Zone, the 'Energy, Infrastructure and Transport' heading has been created to be self-contained for all energy, transport and infrastructure works and activities. In this Plan, energy and infrastructure matters are contained in a separate chapter to transport matters
15. Regarding energy or important infrastructure activities, while most of the relevant provisions are contained within this chapter, all activities must be assessed against the Transport chapter. Additionally, the objectives, policies, and methods for managing reverse sensitivity effects relating to noise sensitive activities establishing in proximity to important infrastructure are managed under the Noise Chapter of this Plan. Except where there are direct cross references, in all other circumstances this chapter sets out all other provisions for energy or infrastructure activities.

16. Where a rule or rule requirement from another chapter has been cross-referenced within this chapter, the relevant associated objectives and policies also apply when assessing an application for resource consent. Where an activity is within an Overlay, the associated objectives and policies from the relevant chapter for that overlay also apply when assessing an application for resource consent
17. The proposal complies with all the relevant rules within the Transport Chapter. This includes TRAN-R7 whereby even in the construction period, vehicle movements would not exceed 60ecm/d. During construction a mobility park will be laid out in accordance with TRAN-REQ10.1, noting that after construction no formal parking will be provided. In terms of TRAN-R4 and R5, these rules refer to the 'establishment of' with the crossing and accessway already existing, they do not need establishing.
18. I do not consider that a Flood Assessment Certificate is required as no residential or principal buildings are proposed.
19. Therefore, the land use proposal is a Discretionary activity under the Partially Operative Plan.

Operative Selwyn District Plan (2016), Rural Volume (“the Operative Plan”)

20. The application site is zoned Outer Plains and is not subject to any other Overlays or Features.
21. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
22. All rules that would apply to this proposal are now treated as inoperative and the proposal is a permitted activity under the Operative Plan.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

23. The proposal is supported by a Preliminary Site Investigation by PDP dated 20 August 2024 which has been submitted with the application. This states that the site is not currently being used, has not been used in the past or is unlikely to have been used for an activity listed in the Hazardous Activities and Industries List (HAIL). Therefore, the NES-CS does not apply.

Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

24. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person. In addition, that person is not to be considered an affected person for the purposes of limited notification.
 - 66 Struie Road, Hororata
 - 90 Struie Road, Hororata
 - 134 Struie Road, Hororata



Site & Surrounds (written approvals)

Notification Assessment

Assessment of Adverse Environmental Effects (Sections 95A, 95B, 95D and 95E)

Permitted Baseline

25. Sections 95D(b) and 95E(2)(a) allow that a consent authority “may disregard an adverse effect” if a rule or a national environmental standard permits an activity with that effect, a concept known as ‘the permitted baseline’. The application of the permitted baseline is discretionary, as denoted by the use of the word “may”. It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.
26. I do not consider there is a relevant permitted baseline given the proposal is for a solar array. I do however note that a range of rural buildings can be constructed as of right here, subject to a number of built form standards, including a 12m height limit, 5% site coverage and 5m internal boundary setbacks.

Receiving Environment

27. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is discussed in paragraph 7 above, of note is the ability to undertake forestry activities here under the consented environment.
28. The rural zoning, and the rural density overlay specifically (minimum 40ha for a new residential unit) limits what could reasonably occur and as such this part of the receiving environment is unlikely to change significantly without resource consent. I also note that the site is not considered ‘highly productive land’ as it is not covered by the LUC 1-3 classification.

Restrictions on Matters Considered

29. The status of the activity is **Discretionary**. As such, the Council's discretion is unrestricted and all adverse effects must be considered.
30. The objectives, policies, reasons for rules and assessment matters in the Plans provide useful guidance when considering the adverse effects of the proposal, and these are discussed where relevant below.

Adverse Effects

31. The adverse effects that might be considered relevant to this proposal are landscape and visual, rural character and amenity, glare and reflectivity, construction, stormwater/flooding, reverse sensitivity and cultural effects.
32. All conditions of consent have been offered by the applicant.

Adverse Landscape and Visual Effects

33. In terms of visual change, I note that NZILA and RMA effects scales have been accepted to overlap as below, and this is adopted for this assessment.



Visual Effects Ratings and Categorisation as per Te Tangi a te Manu

34. The application is supported by a Visual Effects Assessment prepared by Ms Anne Wilkins of Novo Group Ltd and dated 27 August 2024. This notes that the wider landscape character consists of a range of site sizes with a number of rural productive activities, including forestry, as well as lifestyle type properties. There is an electrical substation roughly 1.5km away to the west.
35. In terms of the viewing catchment, Ms Wilkins considers this is limited to transient viewpoints, notably along Struie Road and potentially the surrounding intersections. Fixed viewpoints include the identified residential dwellings in the vicinity. Ms Wilkins notes that other fixed viewpoints are either further away (over 1km) with distance mitigating any views, or from rural productive land which has no permanent viewpoint.
36. For transient views, Ms Wilkins considers that these are generally less sensitive receptors as they are moving through the visual catchment, notably in this case the proposal is setback over 400m from Struie Road and views from other parts of the road network or public viewpoints would be at an even greater distance and would be fleeting. In terms of these users, Ms Wilkins considers the visual effects would be *low-moderate*, and that have the mitigation planting has established would reduce to *low*.
37. In terms of persons, notably restricted to those more sensitive, rural residential properties which are within 500m of the site (identified in figure 5 of the LVA), which may, until the mitigation planting establishes, have direct views of the solar panels. Ms Wilkins notes that *'the solar panels sit relatively low within the landscape, will be black in colour and appear as a recessive infrastructure element'* however, until the mitigation planting has established, effects are likely to be at worst *low-moderate* reducing to *low* following the establishment of the planting, notably due to their fixed nature and sensitivity meaning they are more sensitive to change. In response to a request for further information, Ms Wilkins clarifies this;

Visibility does not pertain to a visual effect. The solar panels are set back from the boundaries, placed within large open areas, and are considered appropriate infrastructural elements, so will not adversely affect the rural amenity values. Additionally, the panels are low-profile, black in colour, and will blend into the landscape as a recessive feature (see exemplar images in Appendix 1). Overall, the proposal does not result in adverse effects on its own. With the planned extensive landscaping of over 3000m² of

planting, effects are expected to be low, as the 3-metre-wide planting strip will effectively screen much of the site's boundary.

38. This assessment has been peer reviewed by Mr Andrew Craig on behalf of the Council, who provided a memo dated 5 February 2025. Mr Craig generally agrees with Ms Wilkins, and notes that that boundary planting would screen the solar panels and structures from nearby residential activity and that this is not required on the north eastern boundary given the lack of any sensitive activity adjacent or on the opposite side of the river.
39. The detailed landscaping plan provided indicates a range of fast growing species (subject to appropriate maintenance) with full screening readily achievable within 4-5 years. Mr Craig notes that whilst the landscaping matures, the solar farm will be visible from the nearby residential units and *'due to circumstantial conditions, it is likely the visual amenity effects on neighbours will be reasonably low to the extent that they will be less than minor'* and that *'once the screen planting is established very low – they will be substantially less than minor'*. Mr Craig concludes *'it is also noted that all the neighbouring dwellings are essentially oriented away from the site, although the dwelling at 90 Struie Road does have an eastward view of it, but is otherwise mostly oriented north. Further, the distance of the dwellings from the site in combination with the relatively low height of the panels is such that the solar array will not dominate, despite being visible until the screen planting matures'*.
40. I note that the mitigation landscaping is secured by condition, and that this planting must start within 12 months of construction starting to ensure that it is in place prior to the solar array being fully constructed. Furthermore, I consider the receiving environment and permitted baseline to be relevant, both in terms of the ability to undertake a forestry activity, and the ability to build a range of rural buildings for permitted farming activities.
41. In relation to the expert advice, both Ms Wilkins and Mr Craig have used a range of language to describe the adverse visual effects here, with 'low' 'low-moderate' 'less than minor' and 'no more than minor' used in their conclusions. The experts' detailed analysis of contributing factors, including, the modest scale of the panels (2.6m maximum height), significant separation distances (100-300m to residential units), orientation of neighbouring properties predominantly away from the site, and the secured implementation of comprehensive boundary planting, does not, in my view necessarily align with the mixed language or more conservative (low-moderate) conclusions.
42. As noted above the structures are modest in height at full tilt, being 2.6m above the ground such that they would not in my view be visually dominant when viewed from any of these adjacent persons in the interim period when the landscaping is establishing on site. I also note the orientation and outlook of these properties as described by Mr Craig. In this instance, I prefer Mr Craig's conclusions as they relate to adjacent persons (see paragraph 39 above), where he identifies these as being 'low' but in the lower end of this such that they are 'less than minor' and reducing to 'very low' following establishment of the planting.
43. In terms of the wider environment, given Mr Craig's conclusions in terms of adjacent persons, the topography here ensures that any inward views from the wider environment are more limited, as it is essentially flat. Furthermore these inward views would be transient and following my site visit, I consider that the adverse visual effects would be comfortably on the lower end of the assessment provided by Ms Wilkins and would be less than minor on this wider environment and that this would further reduce following the establishment of the mitigation planting.
44. Overall and noting the height of the panels, the separation distance and topography of the site, any adverse visual effects on any adjacent persons would be less than minor in both the interim period whilst landscaping establishes, and once this is fully established.
45. In terms of this interim, temporary period, I reiterate the above assessment in terms of separation, height and that the planting will at any height start to screen the structures for both the wider environment and any adjacent persons. Noting Mr Craig's conclusion in terms of adjacent persons, I consider that any temporary adverse visual effects would also be less than minor.
46. Overall, I consider any adverse visual amenity effects on the wider environment and any persons would be less than minor.

Adverse Rural Character and Amenity Effects

47. Noting the above assessment and the effects as they relate to the landscape and visual within both the immediate and wider catchment of the subject site, I consider that the rural character and amenity relates to the more intangible and anticipated forms and scale of development within the rural environment.
48. In this regard, the proposal will introduce structures and infrastructure which will change the site from having an open, rural character (although noting it was previously a commercial forest) to one which is more developed with structures which are at present, not common within the rural environment, as opposed to large sheds or glass houses etc. I note that in terms of the PODP, the rural General Rule Zone overview describes the primary purpose being to provide for primary production activities and other compatible activities. Generally, character and amenity within the General Rural Zone is characterised by a landscape dominated by openness and vegetation, and with significant visual separation between neighbouring residential buildings.
49. Rural landscapes include rural production activities, including plantation forestry, mineral extraction, farming (including research farming and associated facilities) and associated structures and buildings as well as rural support services and rural industry. These activities may have associated levels of noise, dust and odour.
50. Ms Wilkins considers (as above) that the site has a low sensitivity to change, and that *'the addition of the solar panels will alter the landscape from rural to energy infrastructure. Rural characteristics will be retained using open space and grassed areas for maintenance strips and access to maintain areas of open space'*. Again, Ms Wilkins considers that the character and amenity effects will be *low-moderate* at worst, with this diminishing to *low* over time following establishment of the mitigation planting.
51. Whilst the proposal would in part be screened, following the planting, as noted above, this relates to visual effects rather than character. However, the proposal is of a relatively modest scale and height on a rear site which limits wider inward views such that the change in rural character would not necessarily be apparent beyond those immediate neighbours.
52. In terms of adjacent persons (who have not provided written approval), the character would change however given the separation and other anticipated rural activities that could occur as of right, I am of the view that adverse effects on the rural character and amenity would be less than minor on any persons, given the existing environment and context of this specific site and proposal. Similarly, any adverse effects on the wider environment in regard to rural character and amenity would be less than minor.

Adverse Glare and Reflectivity Effects

53. The proposal is supported by a Glint and Glare assessment by PDP dated 22 July 2024. This was originally undertaken for a larger proposal (which included a portion of the site immediately to the south of the subject site). This was undertaken using Forge Solar software and assumed a landscape with no vegetation, with the exception of the pine plantation to the northeast of the site between it and the Selwyn River.
54. This considered the nearest seven dwellings as well as indicative flight paths from the Ballooning Canterbury site for their hot air balloon operations.
55. The assessment concludes that *'neither the fly over model nor the dwellings model showed any glare at any time to any observer'* nor would there be any glint experienced by users of Struie Road. The application concludes that whilst the solar array may be visible, it would not result in any adverse effects associated with reflected sunlight (whether glint or glare) to nearby residential units or users of Struie Road and the *'risk of glare to hot air balloon operations over or near the site is considered very low'*.
56. This glare and reflectivity assessment has been peer reviewed on behalf of the Council by Mr. Rudi Van der Velden (of Velden Aviation Consulting Ltd) in a report dated 15 January 2025. Mr Van der Velden notes that he generally concurs with the PDP assessment but notes that the PDP assessment was somewhat lacking in terms of its wider assessment, notably in terms of any impact on the surrounding road network, however he has undertaken additional assessment to cover this. In terms of the Ballooning Canterbury Site, he concludes *'this is considered recreational and with non-directional landing requirements compared to piloted fixed wing aircraft at aerodromes. There is expected to be little or less than minor to no impact for Hot Air Ballooning'*.

57. Mr Van der Velden's review includes a further nine residential dwellings (above the seven in the PDP report) as well as the road network within the vicinity of the site. The results indicate that no glare results at any of the residential dwellings and similarly, no glare was predicated on any of the roads and as such no further mitigation is required.
58. Given the expert advice and modelling provided, I consider that the proposal would not result in any adverse glint and glare effects on either the wider environment or any identifiable persons.

Adverse Construction Effects

59. Construction is anticipated to be done in a single stage, over a period of 20-22 months (6 weeks for site preparation and 18-20 months for the construction of the solar array). Access is from the existing crossing and accessway off Struie Road, with a temporary site office which will be removed upon completion of the construction works. Up to 15 contractors are expected on site at any time at the peak of works, with works between 7:30am and 6pm Monday-Saturday, with no works on Sundays or Public Holidays.

Transport

60. During construction, the AEE notes that the *'total number of equivalent car movements [ecm] per day will be approximately 60 (averaged over a week). This will be split between staff vehicles entering and leaving the site each day and delivery trucks for machinery and solar array components.* It is anticipated that there would be up to 6 heavy goods vehicles delivering larger components each day resulting in 12 movements (30ecm) and 12 contractor vehicles (24ecm).
61. The contractor vehicles will generally be concentrated at the start and end of the day, with the deliveries spread throughout the day. Parking and loading will be provided on site, noting this is a rear site and as such will be well away from the transport network.
62. Maintenance once operational would be irregular and likely no more than once a week, with the cleaning of the panels undertaken once or twice a year over a few days along with yearly maintenance over a week or two. These movements would be limited to light vehicles and would not be noticeable within the wider environment.
63. Whilst the construction period would result in a noticeable change in the number of vehicle movements to this site, including a number of heavy vehicles, it would not be wholly out of character with a rural site during the busier periods for primary production activities, and noting its time limited nature, and as a rear site, I do not consider it would result in any adverse safety, efficiency or amenity effects on the wider environment that are more than minor. Similarly, for these reasons, any adverse amenity effects on any persons from the number and type of vehicle movements would not be wholly out of character here and would be less than minor on any persons.

Earthworks

64. The proposal includes approximately 4,500m³ of earthworks with a depth of up to 1.6m for the foundations for the solar panels, inverters and storage containers, the access tracks and parking area and trenching for cables.
65. The application notes that all works will be undertaken in accordance with an Erosion and Sediment Control Plan (ESCP) which will also incorporate dust management, with exposed areas kept to a minimum. Earthworks will be well separated from any adjacent boundaries and sensitive receivers. Mr Victor Mthamo, Councils Consultant Development Engineer has reviewed the proposal and raises no concerns subject to appropriate ESCP and management of the open trenches and stockpiles.
66. Given the above, and subject to the offered conditions of consent, I am of the view that any adverse earthworks effects on the environment and any persons would be appropriately managed such that they would be less than minor.

Adverse Stormwater/Flooding Effects

67. The proposal is within the Plains Flood Management Overlay and is supported by a Stormwater Assessment by PDP dated 22 August 2024. This notes that the site slopes slightly to the south, with stormwater flowing

this way, rather than towards the river to the east. The solar panels themselves would cover an area of roughly 3.7ha, along with a small amount of coverage from the containers used for storage and the MV station, with the remainder of the site grassed with some gravelled areas for access and parking.

68. In terms of runoff, the assessment notes that run off patterns will change and there will be increased flows due to the potential concentration of stormwater on the panels. The pre and post development scenarios have been modelled and results in an increase of 230L/S along the length of the southern boundary, although PDP note this is conservative and does not take into account that the area under the panels is grassed and therefore permeable and water will be able to infiltrate under the solar panels, which may result in the post development flows being more in line with the pre development levels. PDP conclude that given the site to the south is a grassed paddock, *'the proposed development will unlikely have an adverse effect'*. They do however continue that an infiltration drain could be installed along the boundary to capture runoff before it exits the site and allow to infiltrate.
69. This has been reviewed by Mr Victor Mthamo, Councils Consultant Development Engineer who concurs *'with the PDP assessment that the pre and post development flows will be about the same ... because the areas below the panels will still be pervious allowing soakage to ground'* and that the area below the panels, being free of any solid built form, allows flood flows pass through. Mr Mthamo also notes that the proposed earthworks will not affect the flood overland flow paths to an extent that will hinder there functioning.
70. I adopted the expert advice provided, and noting the nature of the proposal, consider that any adverse effects as a result of the proposal in terms of stormwater and flooding, including overland flows, would be less than minor on both the environment and any persons.

Adverse Reverse Sensitivity Effects

71. The potential for reverse sensitivity effects can exist when a new and sensitive activity establishes and then complains about or objects to the effects generated by a lawfully established existing activity or a permitted activity. The PODP defines reverse sensitivity as:

"The potential for an approved (whether by consent or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment, intensification, or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity".
72. The General Rural Zone is described by the PODP as "areas predominantly used for primary production activities, including intensive indoor primary production". The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location".
73. Land-based primary production activities can produce effects such as noise, dust, traffic and odour effects, which may be perceived by a sensitive activity as potential nuisance effects, particularly where that new activity does not generate those same effects and may be more sensitive to those 'typical' primary production effects. In the context of this proposal, I do not consider it to be a sensitivity activity and also note there would be no full-time staff on site.
74. The proposal will not generate reverse sensitivity effects on adjoining primary production activities, as the solar array will not be sensitive to noise or general farming activities, such as ploughing, harvesting and fertilising. Regarding dust from adjoining primary production, the applicant's assessment states that rain is sufficient to keep the panels clean and that the proposed planting would also provide some mitigation from dust generated on adjoining properties.
75. In this context It is my view that reverse sensitivity adverse effects on any adjacent persons and the wider environment will be less than minor.

Adverse Cultural Effects

76. The proposal was circulated to Mahaanui Kuraitaiao who consulted with Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga. A cultural report was provided dated 3 February 2025. The Rūnanga's provided a number of conditions and subject to the agreement to these, they would not consider themselves to be adversely

affected. Conditions 1-3 are incorporated into the set of conditions offered by the applicant as part of their application. Condition 4 has also subsequently been offered by the applicant and as such, all conditions in the cultural report now form part of the application.

77. The applicant offered the conditions and as such they now form part of their application and given this, I am of the view that any adverse cultural effects would be appropriately mitigated and less than minor.

Conclusion

78. Any adverse effects are considered to be less than minor, in terms of adjacent persons and the wider environment.

Public Notification (Section 95A)

79. Section 95A states that a consent authority must follow the steps in the order given to determine whether to publicly notify an application for resource consent.

STEP 1: MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(2) AND 95A(3))	
Has the applicant requested the application is publicly notified?	No
Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)?	No
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No

STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(4) AND 95A(5))	
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	No
Is the application for one or more of the following, but no other types of activities: A controlled activity? A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?	No

STEP 3: PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(7) AND 95A(8))	
Is the activity subject to a rule or national environmental standard that requires public notification?	No
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No

STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES (SECTION 95A(9))	
Do special circumstances exist in relation to the application that warrant public notification?	No

Conclusion

80. In conclusion, in accordance with the provisions of section 95A, the application must not be publicly notified and a determination on limited notification must be made, as follows.

Limited Notification (Section 95B)

81. Section 95B states that a consent authority must follow the steps in the order given to determine whether to give limited notification of an application for resource consent, if it is not publicly notified under section 95A.

STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(1)-(4))	
Are there any affected protected customary rights groups, as defined in s 95F?	No

Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?	No
Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E?	No

STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95B(5) AND 95B(6))

Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	No
Is the application for a controlled activity under the district plan only and not a subdivision of land?	No

STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(7)-(9))

In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	No
For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)?	

STEP 4: LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES

Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	No
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Conclusion

82. In conclusion, in accordance with the provisions of section 95B, the application must not be limited notified.

Notification Recommendation

83. I recommend that the application(s) RC246059 be processed on a **Non-Notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by: Jonathan Gregg Consultant Planner	Date: 12 February 2025
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Notification Decision

- 1.1 I have been appointed by the Selwyn District Council (the **Council**) to make the notification and substantive decisions on the land use resource consent application by Ra Tuatahi No. 1 Limited (the **Applicant**) to construct and operate a 10 hectare solar array (solar farm), at 80 Struie Road, Hororata.
- 1.2 I have been provided with all relevant information pertaining to this proposal, including the application, supporting evidence, and the s.95 and s.104 reports prepared by Mr. Gregg for the Council, as well as the expert evidence on which Mr. Gregg relies. I confirm that I have thoroughly reviewed all the evidence in full and that my deliberations are based solely on the evidence presented by the Applicant and Council.
- 1.4 There is agreement between the experts that there will be temporary adverse visual effects until the landscaping becomes established, and this is articulated by Mr. Craig (expert for Council) when he comments, '*...[s]o, the visual effects at the time of implementation will be no more than minor. And once the screen planting is*

*established very low – they will be substantially less than minor*¹. Similarly, Ms. Wilkins² (expert for the Applicant) concludes the visual effects on potential / actual (residential) viewing audiences will be ‘...[l]ow when considering the onsite planting mitigation (without any onsite planting mitigation the effects would be low-moderate at worst but would not create an adverse effect / result in a more than minor effect as outlined above)’.

- 1.5 The experts also agree that once the planting establishes, adverse visual effects will be low and less than minor.
- 1.6 Having reviewed the evidence before me, I agree with Ms. Wilkins that just because something is visible does not automatically mean there is an adverse effect, however, I am not convinced that the proposal will create no effects. On the contrary, the evidence before me from both experts affirms there will be low visual effect, at least until the proposed screening matures. I also record that positive effects discussed by Ms. Wilkins such as environment benefits of increased biodiversity and renewable energy sources cannot be taken into account under s.95 of the Act.
- 1.7 Using the Visual Effects Ratings and Categorisation table, and acknowledging that an ‘effect’ as defined in Part 3 of the Act includes a temporary effect, I find that there will be a minor adverse visual effect (at least until the planting reaches maturity) on the immediately adjoining properties highlighted with a yellow star in figure 1 below (noting the written approval has been provided from the parties identified with a red star):



Figure 1: Affected Parties

- 1.8 For clarity, I record that an adverse effect is not limited to a fixed audience. Rather, a property owner has the right to enjoy their property, regardless of whether they live there, who is using it, or how it is currently being used.
- 1.9 Similarly, I am not satisfied that adverse effects in respect to rural character will be less than minor on adjoining properties. I agree with Mr. Gregg that the proposal is of a relatively modest scale and height on a rear site which limits wider inward views such that the change in rural character would not necessarily be apparent beyond those immediate neighbours. However, given the proposal seeks to introduce structures and infrastructure uncommon (and not within the range of permitted activities) in the rural environment, the proposal

¹ Craig, A. (2025). Memorandum subject to RMA s42a – landscape (para 3)

² Wilkins, A. (2024). Visual Effects Assessment, January 2025 (para. 27)

will alter the site's character from open and rural (acknowledging that it was previous forestry) to one associated with energy infrastructure. While mitigation planting may reduce *visual effects* over time, the fundamental change in land use and the presence of non-rural structures mean that adverse effects on rural character for adjoining parties will be at least minor.

- 1.10 On 24 February 2025, I issued a minute to the Council and Applicant outlining my findings in respect to the nature and scale of visual effects. In the interest of fairness, I asked whether the Applicant wished to seek written approval from the parties identified in Figure 1 or preferred that I proceed with formalising my s.95 notification decision. On 26 February 2025, the Applicant provided written confirmation of their preference to proceed with the limited notification process. I record that while the Act does not allow an Applicant to specifically request limited notification, only public notification, I have taken the Applicant's email dated 26 February 2025 as a request to formalise my s.95 notification decision.
- 1.11 To clarify, I agree with the assessment and conclusion of Mr. Gregg that any actual and potential adverse effects will be less than minor in respect to the following matters: glare and reflectivity; construction effects; stormwater / flooding; reverse sensitivity; and cultural effects.
- 1.12 For the reasons detailed herein, I find that adverse effects in respect to visual amenity and rural character will be at least minor. Accordingly, resource consent application RC246059 to construct and operate a 10 hectare solar array (solar farm), at 80 Struie Road, Hororata, is to be processed on a **limited notified** basis to the parties identified with a yellow star in Figure 1 above³, in accordance with sections 95A-E of the Resource Management Act 1991.



Commissioner O'Connell
Date: 27 February 2025

³ Noting that those parties who have provided their written approval do not need to be served notice of this application.